



**MARK J. GOLDEN, CAE**  
*Executive Director & Chief Executive Officer*

Monday, March 28, 2011

**Notice of Ex Parte Communications in  
CG Docket 05-231**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Ms. Dortch,

I am filing this ex-parte notice on behalf of myself as the, Executive Director and CEO of the National Court Reporters Association (NCRA), Lise Hamlin, Director of Public Policy at the Hearing Loss Association of America (HLAA), Joe Gordon, Chairman of the New York State Chapters of the HLAA, and Kathleen Treni, President of the Alexander Graham Bell Association for the Deaf and Hard of Hearing. This ex-parte notification is being filed in CG Docket 05-231

On Friday, March 25<sup>th</sup>, at NCRA's Midyear Convention in Baltimore, Maryland, a panel was held on the issue of captioning quality. The panel was titled "Consumer Panel on Captioning Quality and Standards" with the panelists exploring common problems and goals for the future of closed captioning and the impact on those that need the captions for access. Participating on the panel were Lise Hamlin, Joe Gordon, Kathleen Treni, and Eliot Greenwald, Attorney and Advisor from the FCC's Disability Rights Office. Mr. Greenwald provided the background and history of Docket CG 05-231 and made clear that the viewpoints presented by him were his alone, and not that of the FCC or any other governmental agency.

Ms. Hamlin, Ms. Treni and Mr. Gordon all advocated for captions that were "readable and understandable." Ms. Hamlin initially discussed the history of the NPRM on captioning quality. She also relayed personal stories regarding the troubles that she has had with the captioning complaint process through the past several years. There are issues with the broadcast networks placing individuals with little to no knowledge of captioning issues answering consumer complaints. This directs the consumer to the FCC which, understandably, takes between 30 and 60 days to provide a response. At that point, the complaint is weeks old and nothing can really be done.

Mr. Gordon discussed the 21<sup>st</sup> Century Accessibility Act that was just signed into law by President Obama in October 2010. He noted his excitement at the direction that captioning was taking and will be taking over the coming years and is glad that Congress and the FCC are

National Court Reporters Association ♦ 8224 Old Courthouse Road ♦ Vienna, Virginia 22182-3808  
Tel: 703-556-6285 ♦ Fax: 703-556-6291 ♦ TTY: 703-556-6289 ♦ 1-800-272-NCRA (6272)  
[www.NCRAonline.org](http://www.NCRAonline.org)

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pushing toward having 100% of videos placed on the Internet being accessible to the deaf and hard-of-hearing communities. Mr. Gordon acknowledged that generally, the level of the closed captioner was very high, although there are specific instances where the level of the captioner was clearly sub-par.

Finally, Ms. Treni touched on the issue that captioning standards have with the students that she teaches. She noted the issues that closed captions are not required for videos and DVDs. This presents numerous problems for teachers who want to purchase DVDs for their classrooms, but find that oftentimes, the DVD itself is not captioned. Ms. Treni also pointed out that the market oftentimes does drive the market and introduced the example of Disney DVDs. In that case, there was enough of a public uproar that their DVDs were not captioned that caused the company to begin to caption all of their DVDs. Ms. Treni would like to see the FCC and Congress move towards requiring that DVDs are all captioned and accessible to the deaf and hard-of-hearing.

As the Executive Director and CEO of NCRA, the national association representing closed captioners and Communication Access Realtime Translation (CART) providers, I advocated for an increase in captioned program material, the consistent application of reasonable standards on captioning quality and monitoring and reporting processes in addition to after-the-fact complaint procedures. Additionally, NCRA promoted the importance of broadcasters, the closed captioning community and consumer organizations working together to present consensus proposals to the FCC for implementation in this proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Golden', with a stylized flourish at the end.

Mark J. Golden, CAE  
Executive Director and CEO  
National Court Reporters Association

cc: Lise Hamlin  
Kathleen Treni  
Joe Gordon  
Eliot Greenwald